

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-149 MMC

Plaintiff,

v.

**ORDER DEFERRING RULING ON
MOTION TO WAIVE ATTORNEY-
CLIENT PRIVILEGE; DIRECTIONS TO
PARTIES**

MICHAEL CHEN,

Defendant.

Before the Court is the government's "Motion to Waive Attorney-Client Privilege," filed October 9, 2014, by which the government seeks approval to obtain declarations from defendant's trial counsel for purposes of opposing defendant's motion for post-conviction relief pursuant to 28 U.S.C. § 2255. On October 15, 2014, defendant filed his opposition thereto. Thereafter, on October 23, 2014, the parties filed a stipulation for withdrawal of the government's motion, noting the Court had not, as of that date, ordered the government to respond to defendant's § 2255 motion. On today's date, the Court issued its order directing the government to file such a response.

In light of said order, the Court DEFERS ruling on the parties' stipulation, to allow the parties to determine how they wish to proceed with respect to the Motion to Waive. The parties are hereby DIRECTED to file, no later than October 5, 2014, a joint statement setting forth their agreement in that regard.

IT IS SO ORDERED.

Dated: October 28, 2014


MAXINE M. CHESNEY
United States District Judge